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The Morning Times

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WASHINGTON, D. C., THURSDAY, OCTOBER 3, 1895.

ONE CENT.

NOW SEEK NEW FIELDS

Texas Legislators Are Much Too Pugnacious for the Sports.

THREE NEW PLACES IN VIEW

Prohibitive Bill Will Probably Become a Law To-day—Dan Stuart Surrenders and Will Announce a New Fighting Place in a Few Days, Doubtless in Mexico.

Austin, Texas, Oct. 3.—Excitement on account of the action of the legislature yesterday still runs high in Texas towns, but now that the crisis is passed even many who were anxious to have the fight at Dallas feel a sense of relief.

It is possible slight amendments may be made to the bill today, but of course nothing will change its prohibitive character. It will doubtless be signed to-day by the governor.

The vote by which the bill was carried furnishes the strongest proof of the sentiment of the state with reference to prize fighting. The only rallying point of the minority was opposition to the emergency clause, which carried the bill into immediate effect.

OPPOSITION HAD NO CHANCE

Certain of the members honestly regarded this as an injustice to such of the citizens of Dallas as had spent large sums in anticipation of the fight, and opposed it for that reason alone. Their arguments were not effective, however, and the vote in the house on the final passage of the bill was 107 in its favor.

In the senate the bill was carried with only one negative vote in the twenty-seven that were cast. The senate made quick work of the measure. It had taken a recess until 3 o'clock, in order that the Dallas people might be given full hearing before the judiciary committee. Within fifty-five minutes after reassembling the bill was passed.

The work in the senate was not quite so expeditious. The house is the larger body and several members desired to be heard upon the house bill, which was substituted for the senate bill. The senate then adjourned until 10 o'clock.

Amid applause a number of amendments were offered. Several were adopted, but there do not change the measure in any material extent, except to make it still more effective.

As a result of these amendments the bill will be returned to the house, and the adoption in amended form will be delayed no longer than necessary to call the roll. It will then be sent to the governor and when his signature shall have been attached it will become a law.

The bill makes prize fighting a felony and imposes a punishment upon the principals for every infraction of the law by imprisonment in the penitentiary for a term of not less than two and not more than five years.

EXPECTED WHAT HAPPENED.

D. A. Stuart, president of the Florida Athletic Club, was seen after the passage of the bill last night, and said: "I have been arranging for this emergency for some days, and have three places in view, each of which would be equally suitable to Dallas. I will decide on the place within the next twenty-four hours. The fight will be pulled off on the date advertised."

An Atlanta, Ga. sportsman, Champion James J. Corbett and party reached Austin last evening. When informed that both houses of the Texas legislature had passed an anti-prize fighting bill he said: "I am supposed to be pretty fast myself, but that beats me. Well, all I can say is, that we are under contract with Dan Stuart and the Florida Athletic Club and propose to live up to our part of the contract."

"We are going to Texas under the terms of our contract, and I am going there to fight. I expect to live up to my part of the agreement. I am anxious to fight and will go anywhere to pull it off, providing the purse is all right."

THINKS IT FUNNY.

"It seems very funny that the legislature of Texas and the governor should go so far out of their way to make a special fight on a sporting contest of which the chances are the majority of the legislature know nothing whatever," said Manager Brady.

"The State of Texas is put to heavy expense for a special act against sparring contests which do not do nearly so much harm and in which there is not nearly so much danger as in foot ball, basketball and other contests in which men are killed."

"Certainly the Texas legislators are making a mountain out of a molehill in this case, but it is their business and we will go on, of course, and govern ourselves by the facts as they present themselves to us there."

NO PLACE OF REFUGE.

Sporting Man Says the Mill Is Not for the Southwest.

St. Louis, Mo., Oct. 3.—A well-known sporting man, who has had years of experience in Mexico and in the Indian Territory, said to a United Press representative to-day that the territory of Arizona will never take place in either of the territories nor in Mexico.

He says the railroad travel is too great, and the fact that a large number of either the authorities or the disorderly element could not be guaranteed, would deter people from going to any place selected in these localities.

People would not travel thousands of miles with only a bare possibility of witnessing a prize fight. He claims that the law-abiding citizens of the Territory will demand government intervention if the fight is proposed in their section of the country. President Diaz is opposed to prize fighting, and arrest and imprisonment in Mexico is a thing to be dreaded.

OLYMPIC NOT IN IT.

Price Fight Will Not Take Place at New Orleans.

New Orleans, Oct. 3.—A telegram from New Orleans last night stated that as a result of the passing of the emergency bill by the legislature of Texas the Olympic Club, of this city, had made a bid for the fight. There is no foundation for the report. The executive board of the Olympic Club, last night, but had no authority to act in the matter and did not consider it. Under the present construction of the law in this State it is not likely that any bid will be made for the fight.

WANTS THE KID AND SQUIRREL.

Harrisburg, Pa., Oct. 3.—A resolution has been issued on Gov. McKimley, of Ohio, by Gov. Hastings for the extradition of James Smith, "Kid" Lloyd and "Squirrel" Tompkins, of Youngstown, who were wanted in Mercer County for prize fighting.

Good Times Corner.

Chicago, Oct. 3.—After nearly ten days of conference, a meeting attended by representatives of practically all the Washburn mines that ship coal to Chicago, an advance of about 15 cents a ton was settled upon. Further than this, a strong arrangement was made that all should refrain from cutting prices and work in harmony. This agreement, it is alleged, was brought about by railroad influence, and was at least greatly assisted by it.

REALLY AWFULLY AWFUL

Sarcastic Comments of Blawasted British Journals.

One Begs for Time Before War Is Declared, Another Asks What the Blessed Monroe Doctrine Is.

London, Oct. 3.—The Westminster Gazette, in an article under the caption, "Turn About Is Fair Play," says: "The other day Lord Salisbury sent an ultimatum to China, and now, according to dispatches received from Washington, Ambassador Bayard has been instructed to notify Great Britain that unless the Venezuelan question is submitted to arbitration within ninety days, the United States Government will enforce the Monroe doctrine."

"It is to be hoped that if enforcement of the question can be hurried up, Lord Salisbury will do it, but surely President Cleveland cannot wish to rush us out of just claims."

The St. James Gazette adds: "Isn't it awful! But it might be still more awful if we only knew exactly what the blessed Monroe doctrine was, or what on earth the United States Government has got to do with a quarrel between Great Britain and another independent state."

COOL THOUSAND FOR BRASS

Gold Brick Swindle Practiced Upon a Mississippi Farmer.

Not Until He Tried to Get Money at the Mint Did He Discover the Trick.

Philadelphia, Oct. 3.—A Mississippi farmer climbed up the stone steps of the mint in this city yesterday afternoon, logging two sacks, which, according to his belief, contained two gold bricks.

He had given \$1,000 of his hard-earned cash to a man believed to be a Spaniard, but known to be a swindler. The latter traveled with the Mississippi farmer, who says his name is A. P. Pearfield, as far as Cincinnati, but there he disappeared and the farmer came on to Philadelphia.

Pearfield presented himself with his weighty load to Deposit Clerk Jones when he reached the mint. To him the Mississippi man explained that he had two gold bars weighing forty-eight pounds each, which he would like to convert into ready money. Jones only handled one of Pearfield's bars for a minute, when he started his weighing scale, and the farmer discovered that his supposed gold was nothing more than brass decorated with gold paint.

This assertion was so paralyzing in its effect upon Pearfield that he stood speechless for a moment, and then rushed out of the mint without his sacks, shouting to the doorman that he passed him he would be back.

When Pearfield was visited in his hotel several hours after the trick had been made clear to him, he explained that while working on his farm, near Bexley Station, Miss., on Friday last, a man offered to sell him the bricks, claiming to have found them in a wood near Memphis, and that he was offering them for sale for \$1,000.

The fourth anniversary of the church was celebrated last night by a banquet, and for this the contributions were so lavish that a large surplus of untouched good food was brought forward. No better disposition of this surplus could be devised than by serving a cheap and bountiful lunch, which should be open to the public. This was the reason for the spread to-day.

There was a fairly large number of patrons, and the sum realized will be disbursed for an early annual convention of the church. The tables were decorated with the flowers which had done duty at last night's feast, with some fresh blossoms added. The ladies in charge were Mrs. A. R. Kent, Mrs. H. R. Tindall, Mrs. P. O. Auer, Mrs. H. V. Bissler, Mrs. E. C. Rupp, Mrs. M. L. Norris, and Miss Elliott.

PEOPLE'S CHURCH LUNCH.

Dainty Repast, Prettily Served, Netted a Snug Sum.

A gracefully served lunch was held to-day for the benefit of the People's Church of Typographical Union, under the auspices of Mrs. Kent, wife of the pastor, and a corps of assistants drawn from the congregation.

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POPULAR CONVENTION.

Want an Early Meeting and Atlanta the Place.

Topeka, Kan., Oct. 3.—The leading Populists of Kansas have started an agitation for an early annual convention, and will urge Atlanta, Ga., as the place and February 21 as the time, so that the nomination can be made February 22, Washington's birthday.

Senator Pepper, Hon. Jerry Simpson, Chairman Breckinridge and others will urge this date and place on the national committee in the several States.

This is done to force the free silver fight early, as they say both old parties are advancing a slow campaign in order to sidetrack the financial issue.

ADVANCE IN FREIGHT RATES.

Railroads Put Up Prices in Sympathy With Manufacturers.

Chicago, Oct. 3.—At the regular meeting of the freight department of the central traffic bureau in Chicago yesterday it was agreed to advance the rates on pig iron and billets ten cents per ton between the Buffalo and Pittsburgh territory and Chicago, and to other points in proportion. It was also agreed to advance the rate on scrap iron between Chicago and the Ohio River to \$1.75 per ton, and on pig iron between the same territories to \$1.70 per ton.

BOSTON CONCLUDE VICTIM.

Judge Dilatash Dies From the Effects of a Salute.

Lebanon, Ohio, Oct. 3.—Judge Walter S. Dilatash, aged forty, died here yesterday. He had been in Lebanon since he was in Boston he sailed out of the harbor. As he left a salute was fired from shore. The conclusion felled him to the deck and he died from the effects of the salute brought on by shock, after an illness of several weeks.

AGAINST AMNESTY.

Deputies Oppose Brazil's President and He Will Probably Resign.

Rio de Janeiro, Oct. 3.—The Chamber of Deputies has rejected the Government's bill granting amnesty to certain persons who took part in the late rebellion. If the chamber should also reject the measure which has been submitted as substitutes for the amnesty bill it is regarded as certain that President Moraes will resign.

IF YOU WANT ALL THE NEWS

HOT FROM THE WIRE READ THE MORNING AND EVENING TIMES. THEY COST ONLY FIFTY CENTS A MONTH.

SOME DAY HE'LL MOVE.



But only when there is Glory or Advancement in it for Charles T. O'Ferral.

ARMES MUST STAND TRIAL

War Department Prepares Formal Charges Against Him.

COURT MARTIAL ORDERED

He Is Charged With "Conduct Unbecoming an Officer" and "to the Prejudice of Good Order and Discipline"—Specifications in the Case. Detail for the Court.

Capt. G. A. Armes will be court-martialed for his alleged offensive conduct toward Lieut. Gen. Schofield, without any reference to what the decision of the courts may be in the pending habeas corpus proceedings, which will be determined next Saturday.

The charges and specifications have been prepared by Gen. Lieber, judge advocate general of the army, and are as follows: "Charge 1—Conduct to the prejudice of good order and discipline. No better disposition of this surplus could be devised than by serving a cheap and bountiful lunch, which should be open to the public. This was the reason for the spread to-day."

EXTENSION OF THE OFFENSE. Specification—In that George A. Armes, captain United States Army, retired, did make a written communication, addressed to and intended for Lieut. Gen. John M. Schofield, commanding the United States Army, and caused the same to be delivered to him, said communication being as follows: (Here the letter is set out in full.)

The second charge is "conduct unbecoming an officer and a gentleman," the specification being the same as under the first charge.

PAPERS IN THE CASE.

Following each specification is the letter written by Capt. Armes to Gen. Schofield, and the papers accompanying the charges contain the order for the arrest of Armes, a statement from Col. Clouson, giving a detailed account of the arrest and the order of the supreme court of the District directing Col. Clouson to release Capt. Armes, to appear before the court on Saturday next.

It is understood that the detail of the court to try Capt. Armes will be announced this afternoon.

IN AN OPIUM DEN.

Respectable Young Women Caught in a Chinese Joint.

Toledo, Ohio, Oct. 3.—The police this afternoon discovered and raided an opium den in the heart of the city, conducted by a Chinaman. Among the seven English-speaking inmates were two young girls, said to be daughters of prominent citizens, and the order of the supreme court of the District directing Col. Clouson to release Capt. Armes, to appear before the court on Saturday next.

MAY BE LOST.

Part of Crew of Wrecked Sicilia Not Yet Heard From.

London, Oct. 3.—The British steamer Sicilia, which sailed from the coast of North Queensland this morning. A boat containing sixteen of her crew in an exhausted condition arrived at Padstow, Cornwall, prior to the coming ashore of the steamer. The survivors reported that another boat, containing twenty-six of the Sicilia's crew, was still unaccounted for. The Sicilia is of 1,300 tons register.

RAILROAD MAN DISAPPEARS.

Montreal, Oct. 3.—James Russell, formerly mechanical superintendent of the Chicago, Burlington and Quincy Railroad, has mysteriously disappeared. He was coming from Boston two days ago on a Central Vermont train and got off between St. John's, Quebec, and Montreal. No trace of him has been found, and his wife and daughter, who were with him, are much worried.

WILL GO TO PITTSBURGH.

Boston, Oct. 3.—Prof. Daniel Dorchester, Jr., who has occupied the chair of political economy and English literature for twelve years at the College of Liberal Arts of Boston University, has tendered his resignation to accept a call from the Christ M. E. Church of Pittsburgh.

AN ALIBI IS YET POSSIBLE

Attorneys for Durrant Expect to Prove He Was at Lectures.

AND THAT AT THE TIME WHEN HE IS

Alleged to Have Been With Blanche Lamont.

San Francisco, Oct. 3.—The efforts of the attorneys for Harry E. Snook as witness in the Durrant case will likely prove of no avail, for he himself says his testimony is of no value, and he was so informed by Capt. Lees.

He may be called to testify that he has seen Durrant and Blanche Lamont together near the church, to combat the assertion of the defense that the two were never together in that locality, but he will not be called to prove anything which may have happened upon the fatal night of April 3. Capt. Lees had been misinformed when he made his statement Tuesday evening that Snook was positive about the date.

During the examination of the students of Cooper Medical College yesterday, one of the questions most frequently asked by Mr. Despreux, whether or not the witness remembered that sterilization of milk was one of the topics discussed upon Dr. Cheney during his lecture on April 3. "The preparation of infant food with regard to the danger of infection," was the subject of the lecture.

The question in itself apparently had little significance, but it will have a strong bearing upon the defendant's case in proving that he was present at the lecture. The notes of the students who were present that day show that the subject in question was discussed, and that the following formed the sub-topics of the lecture: "The Arnold Steam Sterilizer," "Pasteurization," "Filtration recommended for the purpose of giving medicine to some of the sick soldiers, and nine of them have died from poison. This caused great excitement in the Spanish element."

The Manzanao papers bring news that the Spanish general, Gonzales Munoz, with a strong column, attacked and captured the camp, La Ciudad, of Lander Masso, after a severe encounter. The rebels had ninety men killed and wounded. On the 16th instant a Spanish column 600 strong, under Lieut. Col. Ruiz, captured the rebel camp La Piedra, in a very high mountain, in Guantamano.

The rebels left seven killed on the field, and these were buried by the government troops. The Spaniards lost three men killed and wounded. The Spaniards captured seventeen guns, some gunpowder and sixteen cartridges of dynamite. The rebels were 1,000 strong and were commanded by the Dominican brigadier General, Juan de los Rios.

The sanitary condition of this place is very bad, and the yellow fever has increased, owing to the heavy rains that have fallen. Most of the cases are fatal, as the autumn is always the worst time of the year for the yellow fever.

TEXAS SYMPATHIZES.

Stirring Resolutions in the Prize Fight Legislature.

Austin, Tex., Oct. 3.—Representative Peck, of Grayson, yesterday introduced the following resolution in the house, which was referred to the committee on Federal relations: "Whereas, the indomitable courage exhibited by the little band of patriots in Cuba in their prolonged struggle for independence has brought to the notice and entitled them to admiration of the civilized world; and

WAS A POKER PLAYER.

Guessing Hands Badly, Cashier Wade Sought Refuge in Mexico.

Mount Vernon, Ind., Oct. 3.—It has been learned that Albert Wade, assistant cashier of the First National Bank, who disappeared \$6,000 in silver and paper belonging to the bank's depositors. The experts examining Wade's books are not ready to report. Wade has not been heard of since he left the Louisville and Nashville train at Nashville, Tenn., Monday evening. It is thought that he has gone to relatives in Fort Worth, Texas.

The fact that Wade was a poker player and lost large sums of money in that manner caused great surprise when it became known yesterday. Wade's bondsmen will make his short appearance good.

WAS BURNED AT THE STAKE

Horrible Fate of a Boy of Six Years at East Liverpool, Ohio.

Companions of His Own Age, Crazy to Imitate Wild West Performances, Proceed to Roast Him.

East Liverpool, Ohio, Oct. 3.—The six-year-old son of Andrew Vandine was burned at the stake yesterday by five companions, and so badly injured that he cannot recover.

His torturers were about the same age as himself and had no conception of what they were doing. Some of the neighbors happened to see the performance and ran to the boy's rescue, but his clothes had taken fire, and he was so badly burned that the physicians say it is impossible for him to live.

An Indian boy exhibited here the boys of the town have been playing Indian. Young Andrew's comrades captured him, took him into an alley off Third street and tied him to a stake.

After firing toy pistols at him until he was half dead with terror, they piled shavings around him and then set fire to them in true Indian style.

After dancing around him for a few minutes their hearts were filled with the victim's screams and ran away.

MORE RIOTS AT STAMBOUL

Softas Kill at Least Fifty Armenians on Tuesday Night.

Claimed That the Troubles Were Originated by the Indiscretions of the Armenian Revolutionists.

London, Oct. 3.—A dispatch from Constantinople under the date of October 2 says: "The rioting which prevailed here on Monday was renewed last evening, when the Softas clashed and attacked with blades every Armenian they met in the streets of the Stamboul quarter of the city, killing fifty of them during the night. The Softas also attacked a cafe in which there were many Armenians and killed every one of them. The fugitive Armenians are taking refuge in the churches. The clergy are unwilling in their efforts to reassure them, and address the frightened Armenians almost continuously."

"The conduct of the Armenians in going armed to take part in the demonstration in front of the gates of the palace on Monday is generally condemned, and no doubt is now entertained that the rioting originated in an organized movement on the part of the Armenian revolutionary committee."

"The revolvers and knives taken from dead or living Armenians by the police were all of the same pattern."

WHO WILL HAVE IT?

One Postoffice Which Actually Goes Begging for a Boss.

St. Louis, Mo., Oct. 3.—Missouri claims the distinction of having within her borders a postoffice for which no person desires the position of postmaster. R. E. Love, the postmaster of Russell, a suburban town, near St. Louis, resigned a few days ago. His resignation was accepted by the Post-office Department, and as no one applied for the vacant place the office was ordered closed.

Postmaster Love states that his resignation was forwarded on account of his office being unremunerative.

Mr. Taylor Loses Heavily. Col. T. H. Anderson has received a telegram from Joseph L. Taylor, president of the Ohio National Bank, in this city, stating that the fire of yesterday morning in Cambridge, O., destroyed the heart of the city. Mr. Taylor's loss is about \$100,000, partially repaid by insurance.

Fraudulent Pension Arrest. Lancaster, Pa., Oct. 3.—Edwin Bookmyer, pensioner to the Government, was arrested today by United States officers charged with violating the pension laws in trying to procure a fraudulent pension. The accused gave bail for a hearing.

Hanged for Wife Murder. Jersey City, Oct. 3.—John Costello, alias "Flash John," was hanged in the Hudson County jail this morning for the murder of his wife Mary.

CABLE FLASHES.

London, Oct. 3.—A dispatch from Constantinople to the Constantinian News says that Kirmizifacha will replace Said Pasha as Grand Vizier.

London, Oct. 3.—A violent hurricane is raging off the coast of the entrance to the Bristol Channel and is increasing in intensity. Several casualties have been reported.

London, Oct. 3.—An unusual spell of cold weather has succeeded the recent unusually hot spell. Frosts have prevailed in the Midlands and snow in Scotland.

London, Oct. 3.—Mlle. Yvette Guilbert, the music hall singer, has publicly made an indignant denial of the current statement that she is engaged to marry a London broker.

London, Oct. 3.—The Norwegian bark Erling Skjalgson, Capt. Olsen, from Dalhousie, August 25, for Whitehaven, was ashore at the North wharf, Fleetwood, Lancashire. Two tugs have been trying to float her without success, and it is likely that she will become a total wreck.

Berlin, Oct. 3.—The government has received notification that China is ready to satisfy the claims of Germany growing out of the destruction of the German mission at Swatow by a Chinese mob.

Havana, Oct. 3.—Gen. Lague reports that the troops under his command engaged in a battle on October 1 with a force of rebels under the lead of the bandit Matanzas. Five rebels were killed and two of the government troops were wounded.

State of the Gold Reserve. The Treasury gold reserve to-day is \$92,717,557.

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the only paper in the world making such an offer.

CHURCH NOT IN POLITICS

Cardinal Gibbons Speaks Strongly Against Any Such Action.

PLAN WAS NOT DISCUSSED

The Head of the American Church Talks Freely to the Times About the Possibility of Such a Movement—Father Stephan's Work Warmly Commended.

The momentous question now before the public concerning the political organization of the prelates and members of the Roman Catholic Church received an authoritative denial this morning from the great head of the American church, Cardinal Gibbons.

A Times reporter had an interview this morning with the Cardinal in his private study on the second floor and just above the main entrance of McMahon Hall. The apartment is a stately one, furnished in rich, dark leather and Turkish hangings. Here the Cardinal, clothed in his crimson silk cassock, was seated in a large armchair just before a western window that commands a magnificent view of the Soldiers' Home.

The Cardinal said: "The subject of a political organization to be formed by the officials and members of our church was not discussed at our meeting yesterday. It is contrary to all established rules and precedents to entertain such an idea, still less to form plans for a course of action. 'The Catholic Church has always held itself aloof from all political entanglements. Its great mission is to teach and direct in things spiritual. With temporal affairs it never interferes.'"

LEFT TO LAYMEN.

"The laymen of the church are free to form such societies as may tend to promote the temporal welfare of the people, but archbishops and bishops formally to approve or to ratify such plans is to expect what can never come to pass."

In regard to the Indian Bureau the cardinal said that the new commissioners, consisting of himself, Archbishop Corrigan, of New York, and Archbishop Ryan, of Philadelphia, had held their first meeting last night, and that the director general of the bureau, Mr. Stephan, had been present. The transfer had been made from the old commissioners, Archbishop Keardon, of San Francisco, and Bishop Marty, of South Dakota, to the present board.

In reply to the direct question, "Will Mr. Stephan still remain in charge of the bureau?" the cardinal answered immediately: "Most assuredly, Mr. Stephan will remain the director. He has spent a long life in this good work, his management has been judicious and his integrity and executive ability unquestioned."

Replying to a further question about the attitude of the bureau toward the present administration, Cardinal Gibbons said: "We have no grievance whatever against this government. It has long been known to us that the administration of the end of a specified time be entirely withdrawn from our Catholic missions. We have been given opportunity to provide for this contingency, and we will now take active steps in making all our schools self-supporting."

The cardinal said further that the archbishops and bishops would never make a united petition to Congress, no matter how grave the circumstances, or how grievous the complaint. If the Catholic Church had reason to believe that its rights were infringed upon, or that it had such a quantity of voters, such action would be contrary to their high prerogative of the exponents of the great teaching of Christianity in the United States. In concluding his interview, the cardinal expressed great satisfaction at the magnificent inaugural of McMahon Hall, and said that the Catholic Church in Washington had cause for true rejoicing that such a monument of learning and magnificence should have arisen in their midst. Answering the oft-repeated question, "Are women to be admitted for its degree?" the great dignitary laughingly replied: "Our board had not held a meeting for eighteen months, and we had such a quantity of grave and important business to transact that we did not get around to this question, which seems to be agitated in Washington circles so much. When we meet in the spring we hope to remedy this oversight. In the meantime, let the

QUEER DIVORCE MUDDLE.

Differences of Court Judgment May Cause Great Hardship.

Cleveland, Ohio, Oct. 3.—Judge Ong, of the Cleveland common pleas bench, appointed J. T. Logue, ex-judge of the police court, referee in fourteen divorce suits. The referee granted ten decrees of divorce in the Remond district. Five rebels were killed and two of the government troops were wounded.

An embarrassing complication will ensue if Judge Hamilton's opinion is sustained, as several of the